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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/052,800 | 10/29/2001 | Stephen Harold Sanders III | CM04263H | 3213 |

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| EXAMINER | |
|---|---|
| JAMAL, ALEXANDER | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2614 | |

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/052,800 | SANDERS ET AL. | |
| | Examiner | Art Unit | |
| | Alexander Jamal | 2614 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *06 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *4,9,12 and 13* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-8,10-11,14-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

**1.** Based upon the submitted amendment (7-6-2006), the examiner notes that claims 1,6,10,11,14,15,17,19,20 have been amended and claims 4,9,12,13 have been cancelled.

### *Claim Rejections - 35 USC § 103*

**2.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**3.** **Claims 1-3,5-8,10,11,14,15,17-20** rejected under 35 U.S.C. 103(a) as being unpatentable over Reichelt et al. (6295447), and further in view of Rabe et al. (6138010).

As per **claim 1**, Reichelt discloses a communication system (wired or wireless) comprising multiple communication devices (MS) and base stations (MSC). The base stations may be part of a packet-based network (Col 4 lines 44-55). The system comprises a service agent to manage the various services available to each communication device (MS) (ABSTRACT). The service management agent is

associated with any terminal that it communicates with. However, Reichelt does not disclose that the services are from a plurality of service providers.

Rabe discloses a wireless network in which the communication devices may access multiple modes (services) of communication from different service providers. Rabe teaches the phone should be compatible with multiple communication modes for the advantage that the phone may be used by a greater number of services at a reduced cost through the use of shared resources (ie. the phone antenna) (Col 1 line 55 to Col 2 line 30). Rabe further teaches a service management agent in the phone that determines if there is a current service in use (a positive or negative determination) (Col 6 lines 15-60). It would have been obvious to one of ordinary skill in the art at the time of this application to implement multiple service modes within the communication units for the advantage of being compatible with a greater number of service providers while reducing cost through the use of shared resources.

As per **claims 14,10,15** Reichelt discloses a communication system (wired or wireless) comprising multiple communication devices (MS) and base stations (MSC). The service provider associated with each network node or base station and it's associated communication devices (MS) will request (such as by an action to trigger the 'TRUE' setting) and verify (such as by the 'ON' setting) various services (Col 2 lines 28-64)(Col 6 lines 25-37). The base stations may be part of a packet-based network (Col 4 lines 44-55). The system comprises a service agent to manage the various services available to each communication device (MS) (ABSTRACT). The service management

agent is associated with any terminal that it communicates with. . The subscriber profile information stored in the HLR is used to notify the service provider (Col 5 line 55 to Col 6 line 11) as to whether the service should be provided to the communications device. Reichelt's system comprises setting and detecting various triggers (such as the 'TRUE' and 'ON' flags) in order to enable or disable services. Reichelt further discloses that the system may be used by an internet capable communication device (Col 9 lines 29-54). However, Reichelt does not disclose that one of the triggers is determining if another service is currently being provided to the MS, and if so, then determining if a triggered service has priority over a service currently being provided and if so, then interrupting the currently provided service.

Rabe discloses a wireless network in which the communication devices may access multiple modes (services) of communication from different service providers. Rabe teaches the phone should be compatible with multiple communication modes for the advantage that the phone may be used by a greater number of services at a reduced cost through the use of shared resources (ie. the phone antenna) (Col 1 line 55 to Col 2 line 30). Rabe further teaches a service management agent in the phone that determines if there is a current service in use (a positive or negative determination) (Col 6 lines 15-60). It would have been obvious to one of ordinary skill in the art at the time of this application to implement multiple service modes within the communication units for the advantage of being compatible with a greater number of service providers while reducing cost through the use of shared resources.

As per **claims 2-5,** the system of Reichelt uses a service management agent that is comprised of the software used to interface the mobile phones to the base stations. As such, the service management agent (software) is co-located with the communication devices, the base stations, and any additional equipment used by the service providers. The software inherently comprises a processor to run on for the purpose of signaling the hardware of the devices controlled by the software (Col 5 lines 1-35). Additionally, Reichelt discloses that the HLR (part of the service management agent) may be co-located with a given MSC or multiple MSC's (Col 1 lines 50-60). The HLR, along with the interface software used with the communication units comprise a service management agent that is spread out across the network.

As per **claims 6-8,** claims rejected for same reasons as claim 2 rejection. The HLR (part of the service management agent) may be located at an MSC (in which a second HLR would be located at another MSC), or may be co-located (with another HLR) at an MSC (Col 1 lines 50-60).

As per **claim 11,** Rabe's system will interrupt a current service for a new service based upon the priority for the services (Col 6 lines 15-60).

As per **claim 17,** Rabe discloses that a non-preferred (first) service provider notifies the communication device (via the service management agent) of a communication request (Col 6 lines 8-40). The appropriate service provider is enabled based upon the priority of the services.

As per **claim 18,** once a service is disabled it is made idle (RABE: Col 6 lines 30-40). Rabe further discloses that the service provider of the disabled service so that the service ceases to be provided (Col 11 lines 10-30).

As per **claim 19,** the service may be telephone calls.

As per **claim 20,** Rabe discloses that the first service may be deferred (halted until the current service has ended) (Col 6 lines 30-40).

4. **Claim 16** rejected under 35 U.S.C. 103(a) as being unpatentable over Reichelt et al. (6295447) as applied to claim14 above, and further in view of Mangal (6801519).

As per **claim 16,** Reichelt and Rabe disclose applicant's claim 14. However, they do not disclose that one of the triggers for the services may be that the required bandwidth is within the system bandwidth available to the communication device.

Mangal discloses a communications system with allocated services in which a service management agent will check the quality of service (required bandwidth) before assigning the service (Col 6 lines 25-56). It would have been obvious to one of ordinary skill in the art at the time of this application to use the system bandwidth as a trigger in assigning services for the advantage of being able to control the quality of service provided to the user of the services without exceeding the characteristic bandwidth of the communications device.

***Response to Arguments***

1. Applicant's arguments with respect to claim 14 have been considered but are moot in view of the new ground(s) of rejection.

1. Applicant's arguments have been fully considered but they are not persuasive.

As per applicant's arguments that the Rabe reference does not disclose different types of services that are provided to the user in a single communications system (remarks pages 8-9), examiner disagrees. Examiner reads the broad term 'service' as any function or feature provided to the user. Examiner reads the communications network disclosed by Rabe as a single communications network (Fig. 1), because all of the separate communication means (examiner reads these as service providers) are coupled to the same network (the PSTN). Rabe discloses that each communications system (service provider) can provide different means of communicating (different services) (Col 1 lines 1-35) such as analog or digital communication. Rabe additionally discloses that each service provider can provide various different functions to the user such as detecting an incoming call, or allowing a user to initiate a call (Col 9 lines 40-50). Examiner reads detecting an incoming call via digital wireless communication and detecting an incoming call via analog wireless communication as two different services provided by different service providers in a single communications system (Fig. 1).

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

AJ
August 28, 2006